

CHAPTER 189-5

DISPOSITION OF CONTRIBUTIONS

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189-5-.01 Disposition of Contributions Without Limitation

O.C.G.A. § 21-5-33 governs the proper disposition of campaign contributions. One of the specifically permitted uses for such funds is contained in O.C.G.A. § 21-5-33(b)(1)(B), which states “except as otherwise provided in subparagraph (D) of the paragraph, for transferral without limitation to any national, state, or local committee of any political party or to any candidate.” However, contributions to any candidate or candidate’s campaign committee may not exceed contribution limits, and such contributions are subject to all other restrictions or prohibitions contained in the Ethics in Government Act or other applicable law.

Authority O.C.G.A. § 21-5-6, 21-5-33. **History.** Original Rule entitled “Disposition of Contributions Without Limitation” adopted. F. Feb. 22, 2000; eff. Mar. 13, 2000. **Amended:** F: Feb.4, 2008; eff: Feb. 24, 2008.

189-5-.02 Contributions Remaining Unspent After the Election for Which They Were Received

At the conclusion of an election, contributions that are left over may be spent on subsequent elections in the same election cycle. If there are not remaining elections in the election cycle, or even if there are remaining elections but the candidate will not be on the ballot for any election remaining in the election cycle, all contributions left over after payment of campaign expenses must be disposed of following the law governing the appropriate use of excess contributions.

Authority O.C.G.A. § 21-5-6, 21-5-30, 21-5-33, 21-5-41, 21-5-43. **History.** Original Rule entitled “Choosing Option of Separate Accounting adopted F. July 19, 2001; eff. Aug. 8, 2001. **Repealed.** New Rule entitled “Contributions Remaining Unspent After the Election for which they were received has been held” originally adopted as 189-5-.07; filed on July 19, 2001; effective Aug. 8, 2001; **Amended.** F: Feb. 4, 2008; eff: Feb. 24, 2008.

189-5-.03 Contributions which must be Returned to Contributors

If the candidate has accepted contributions which were separately accounted for and held pending the results of a preceding election, such contributions may be disposed of following the law governing the appropriate use of excess contributions or returned in full to the original contributors thereof if either of the following are true:

- 1) the election for which the contributions were accepted will not be held, or
- 2) the candidate for whom the contributions were accepted is not on the ballot in the election for which the contributions were accepted.

Authority O.C.G.A. § 21-5-6, 21-5-30, 21-5-33, 21-5-41, 21-5-43. **History.** Original Rule entitled “Separate Bank Accounts Permitted if Separate Accounting is Chosen” adopted; filed July 19, 2001; eff. Aug. 8, 2001. **Repealed.** New Rule entitled “Contributions which must be Returned to Contributors” originally adopted as 189-5-.09; filed on July 19, 2001; effective Aug. 8, 2001. **Amended:** F: Feb. 4, 2008; eff: Feb. 24, 2008.

189-5-.04 Undeliverable Refunds

Any refund which, for any reason, cannot be delivered to the original contributor due to a lack of forwarding address shall be treated as excess funds and only expended in a manner authorized for disposition of excess funds.

Authority O.C.G.A. § 21-5-6, 21-5-30, 21-5-33, 21-5-41, 21-5-43. **History.** Original Rule entitled “If Separate Accounting is not Chosen” adopted; filed July 19, 2001; eff. Aug. 8, 2001; **Repealed.** New Rule entitled “Undeliverable Refunds” originally adopted as 189-5-.11; filed on July 19, 2001; effective Aug. 8, 2001. **Amended:** F: Feb. 4, 2008; eff: Feb. 24, 2008.

189-5-.05 Paying Off Campaign Debts

Candidates who have elected the option of separate accounting may not use contributions designated for a future election to pay debts from a prior election, unless and until the election for which the separately accounted for contributions were designated has been held, and campaign obligations remain outstanding from a prior election.

Authority O.C.G.A. § 21-5-6, 21-5-30, 21-5-33, 21-5-41, 21-5-43. **History.** Original Rule entitled “Contributions Allowed for the Current Election Cycle” adopted; filed July 19, 2001; eff. Aug. 8, 2001; **Repealed.** New Rule entitled “Paying Off Campaign Debts” originally adopted as 189-5-.12; filed on July 19, 2001; effective Aug. 8, 2001. **Amended:** F: Feb. 4, 2008; eff: Feb. 24, 2008.